

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ANTHONY G. PRESCOTT, #02174108**

**VS.**

**DIRECTOR, TDCJ-CID**

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**CIVIL ACTION NO. 4:21cv21**

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (“the Report”) (Dkt. #26) concluding that the petition for writ of habeas corpus should be denied and the case dismissed with prejudice. Petitioner filed objections. (Dkt. ##28, 29).

In the objections, Petitioner asserts in conclusory fashion that he has demonstrated “actual prejudice as a result of alleged violation of federal law, resulting in a [miscarriage] of justice.” (Dkt. #28, p. 1). Petitioner’s objections do not specifically identify any of the Magistrate Judge’s findings or conclusions as being erroneous and do not state a basis to reject the recommendation. Petitioner also makes objections that are vague and ambiguous and not responsive to the Report. Furthermore, claims he raises for the first time in his objections to the Report are not properly before the District Court. *See Finley v. Johnson*, 243 F.3d 215, 218 n.3 (5th Cir. 2001). Despite his arguments, Petitioner fails to show that the Report is in error or that he is entitled to relief.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby

adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.  
**SIGNED this 27th day of March, 2024.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE